

### **REMARKS**

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested. Applicants respectfully request entry of the above amendments in order to place the claims in better condition for appeal. By this Amendment, Claims 1, 5, 6, 10, 12, 14, 15, 19 and 20 have been amended to more particularly point out and define the subject matter regarded as inventive. Following these amendments, Claims 1-20 remain pending in this application. No new matter has been added to the subject application, nor has any new issue been raised by these amendments. Support for the amendments herein can be found throughout the specification and drawings of the subject application.

### **Claim Rejections**

#### **A. Rejections Under 35 U.S.C. § 102(b)**

Claims 1, 2, 4, and 9 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,338,429 to Pesce ("Pesce"). The rejection is respectfully traversed.

Claim 1, as presently amended, recites a viewing platform for a portable electronic entertainment device having, among other things, an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats and a rear end portion, wherein uppermost upwardly facing surfaces of the front end portion and rear end portion are in substantially the same plane. The viewing platform also has at least one channel formed in an upwardly facing surface of the front end portion configured to accommodate at least one adjustable strap.

By contrast, Pesce discloses a viewing platform (10) for a portable electronic device (8) comprising an elongated base defining a front end portion (bottom half portion) and a rear end portion (top half portion), a stage (18) formed by a rectangular frame (28) provided at the rear end portion of the base for accommodating a portable electronic entertainment device, and a means (50/52) operatively associated with the front end portion of the base for securing the base to the floor of a vehicle. Pesce neither teaches nor suggests uppermost upwardly facing surfaces of the front end portion (bottom half portion) and rear end portions (top half portion) in substantially the same plane. In contrast, Pesce teaches the uppermost upwardly facing surface of the rear end portion substantially higher than the uppermost upwardly facing surface of the front end portion, thus the uppermost upwardly facing surfaces of the front and rear end portions are substantially out of the same plane. Further, Pesce teaches the uppermost upwardly facing surface of the top half portion being angled, further arranging it substantially out of the same plane with the uppermost upwardly facing surface of the bottom half portion.

In addition, Pesce neither teaches nor suggests at least one channel formed in an upwardly facing surface of the front end portion configured and adapted to accommodate at least one adjustable strap, as recited in presently amended Claim 1. Rather, Pesce merely discloses a television holding device, which does not have any channels formed in an upwardly facing surface of the front end portion.

For the foregoing reasons, Pesce fails to disclose each and every element of Claim 1. Moreover, dependent Claims 2, 4, and 9 depend from Claim 1 and thus include all the elements recited in Claim 1. Accordingly, it is respectfully submitted that Claims 1, 2, 4, and 9 as

currently amended, are not anticipated by Pesce. For the foregoing reasons, it is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 5, 6, 9-11, 14, 15, and 18-20 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,512,503 to Gioso ("Gioso"). The rejection is respectfully traversed.

Claim 1, as presently amended, recites a viewing platform for a portable electronic entertainment device having, among other things, an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats and a rear end portion, wherein uppermost upwardly facing surfaces of the front end portion and rear end portion are in substantially the same plane. The viewing platform also has at least one channel formed in an upwardly facing surface of the front end portion configured to accommodate at least one adjustable strap.

By way of contrast, Gioso discloses a travel organizer (10) comprising an elongated base having a stage (38) formed by a rectangular frame (sidewalls), and a means (94/96/98/106) operatively associated with the base for securing the base to a car seat. Gioso neither teaches nor suggests at least one channel formed in an upwardly facing surface of the front end portion configured to accommodate at least one adjustable strap, as recited in presently amended Claim 1. Rather, Gioso discloses means for attachment (94/96/98/106) being formed on side-facing or downwardly facing surfaces, not an upwardly facing surface. For all of the foregoing reasons Gioso fails to teach or suggest each and every element recited in Claim 1.

Similarly, as currently amended, Claim 10 recites a viewing platform for a portable video player for use within a vehicle having front bucket seats and a rear seating area, the viewing platform including, among other things, an elongated base defining a front end

portion dimensioned and configured for attachment to a center console located between front bucket seats of the vehicle and a rear end portion dimensioned and configured to project into the rear seating area of the vehicle in a cantilevered manner. The viewing platform also includes at least one adjustable strap operatively associated with at least one transverse channel formed in an upwardly facing surface of the front end portion of the base for securing the base to the center console.

Gioso, on the other hand, neither discloses nor suggests at least one adjustable strap operatively associated with at least one transverse channel formed in an upwardly facing surface of the front end portion of the base for securing the base to the center console, as recited in Claim 10. Rather, Gioso describes attaching an organizer to a seat using means (94/96/98/106), none of which are formed in an upwardly facing surface. Therefor Gioso does not teach or suggest each and every element recited in Claim 10.

Finally, Claim 19, as currently amended, recites a viewing platform for a portable video player comprising, among other things, an elongated base having a longitudinal axis and defining a front end portion dimensioned and configured for attachment to a supporting structure located between two adjacent seats and a rear end portion, and at least one channel formed in an upwardly facing surface of the base, within the front end portion thereof, and extending perpendicular to the longitudinal axis thereof for accommodating an adjustable strap adapted to secure the base to a supporting structure.

For similar reasons to those discussed above, Gioso neither teaches nor suggests at least one channel formed in an upwardly facing surface of the base as recited in Claim 19, as presently amended. Gioso neither teaches nor suggests at least one channel formed in an upwardly facing surface of the base. Gioso allegedly teaches the use of channels (96 or 98),

but not in an upwardly facing surface of the base. To the contrary, anything disclosed in Gioso that can be construed as a channel (96, 98, 100, 102, or 104) is confined to the bottom or sides of the disclosed organizer. One apparent reason for Gioso confining the channels to near the bottom of the organizer is that if channels such as those recited in Claim 19 extended across the top of the organizer, the hinged track lid 28, hinge 30, and locking flap 54 would all be rendered inoperable during use of the channels because they would be blocked by straps. Thus the disclosure of channels in Gioso does not teach or suggest the channels of Claim 19 as presently amended. Therefore, Gioso does not teach or disclose each and every element presently recited in Claim 19.

For the foregoing reasons, it is respectfully submitted that Gioso does not teach, suggest, or disclose each and every element of independent Claims 1, 10, and 19 as currently amended. Dependent Claims 2, 5, 6, and 9 depend from Claim 1 and thus include all the elements recited in Claim 1. Claims 11, 14, 15, and 18 depend from Claim 10 and thus include all the elements recited in Claim 10. Claim 20 depends from Claim 19 and thus includes all the elements recited in Claim 19. Accordingly, it is respectfully submitted that Claims 1, 2, 5, 6, 9-11, 14, 15, and 18-20, as currently amended, are not anticipated by Pesce. For the foregoing reasons, it is respectfully requested that the rejection be withdrawn.

#### **B. Rejections Under 35 U.S.C. § 103(a)**

Claim 8 was rejected under 35 U.S.C. §103(a) over Pesce, in view of U.S. Patent No. 6,874,667 to Dykstra et al. ("Dykstra"). The rejection is respectfully traversed.

It is respectfully submitted that the point is now moot in light of the present amendments. Specifically, Claim 1, as presently amended, is directed to a viewing platform

including, among other things, at least one channel formed in an upwardly facing surface of the front end portion configured to accommodate at least one adjustable strap. As discussed in detail above, Pesce does not teach or suggest a viewing platform including at least one channel formed in an upwardly facing surface of the front end portion configured and adapted to accommodate at least one adjustable strap. It is respectfully submitted that Dykstra does not remedy the deficiency in Pesce because Dykstra also does not describe at least one channel formed in an upwardly facing surface, as recited in presently amended Claim 1. Thus these references, alone or in combination, do not disclose, teach, or suggest each and every element recited in Claim 1.

Claim 8 depends from Claim 1 and thus includes all the elements recited in Claim 1. Thus, even in light of Dykstra, Pesce does not disclose, teach or suggest, either alone or in combination, in whole or in part, each and every element of Applicant's invention in Claim 8 as presently recited. As such, a *prima facie* case of obviousness does not exist with respect to Claim 8. Based on the amendments and remarks above, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Claims 1-3, 5-7, 9-12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,205,452 to Mankey ("Mankey") and in view of Gioso, and in further view U.S. Patent No. 6,293,447 to Jorgensen ("Jorgensen"). The rejection is respectfully traversed.

As presently amended, each of Claims 1, 10, and 19 recites, among other things, at least one channel formed in an upwardly facing surface, as discussed above. Mankey describes a portable car console (10) with a flat, rectangular notepad holder (23) in the top surface of the base, the notepad holder having a rectangular frame (sidewalls) provided at the

rear end portion of the base, the whole structure being configured to sit atop a seat. However, Mankey does not teach, suggest, or disclose at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1, 10, and 19.

Jorgensen describes a vehicle gun carrier system (10) with straps (60/66) that snap to the base (20) to secure the gun carrier system (10) within a vehicle. However, Jorgensen also fails to teach, suggest, or disclose at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1, 10, and 19. It has been established above that Gioso fails to disclose at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1, 10, and 19. Therefore, Gioso and Jorgensen do not remedy the deficiencies in Mankey as described above.

Simply stated, none of the references alone or in combination teach or suggest at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1, 10, and 19. Thus, Mankey, Gioso, and Jorgensen, alone or in combination do not fully disclose each and every element recited in Claims 1, 10, and 19. Claims 2, 3, 5-7, and 9 depend from Claim 1 and thus include all the elements recited in Claim 1. Claims 11, 12, 14-16, and 18 depend from Claim 10 and thus include all the elements recited in Claim 10. Claim 20 depends from Claim 19 and thus includes all the elements recited in Claim 19. For all of the foregoing reasons a *prima facie* case of obviousness does not exist with respect to Claims 1-3, 5-7, 9-12, 14-16, and 18-20. Based on the amendments and remarks above, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Claims 4 and 13 were rejected under 35 U.S.C. §103(a) over Mankey, Gioso, and Jorgensen in view of Pesce. Prior to the present amendments, the Examiner rejected Claims 4

and 13 as allegedly being obvious because a modified Mankey platform with the roughened surface of Pesce would have been obvious. The rejection is respectfully traversed.

It is respectfully submitted that these rejections are now moot in light of the present amendments. Specifically, Claims 1 and 10, as amended, each recite a viewing platform having, among other things, at least one channel formed in an upwardly facing surface. It has been established above that Pesce does not teach or suggest a viewing platform having, among other things, at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1 and 10. It has also been established above that Mankey, Gioso, and Jorgensen do not teach or suggest a viewing platform having, among other things, at least one channel formed in an upwardly facing surface, as recited in presently amended Claims 1 and 10. Thus, the references alone or in combination, do not disclose each and every element recited in Claims 1 and 10, as presently amended. Claim 4 depends from Claim 1 and includes all the elements recited in Claim 1. Claim 13 depends from Claim 10 and includes all the elements recited in Claim 10. Therefore, even in view Pesce, the cited references fail to teach, disclose or suggest each and every element of Claims 4 and 13, under the present amendments. It is therefore respectfully submitted that there is no *prima facie* case of obviousness with respect to Claims 4 and 13. Based on the foregoing amendments and remarks, withdrawal of the rejection under 35 U.S.C. § 103 is therefore respectfully requested.

Claims 8 and 17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. Mankey, Gioso and Jorgensen (as modified per the discussion above), in view of Dykstra et al. The rejections are respectfully traversed.



Prior to the present amendment, the Examiner stated that the modified Mankey platform disclosed the invention claimed in Claims 8 and 17 except the base being constructed of wood. It is respectfully submitted that the point is now moot in light of the present amendments. Claims 1 and 10, as presently amended, each recite a viewing platform comprising, among other things, at least one channel formed in an upwardly facing surface. Claim 8 depends from Claim 1 and thus includes all of the elements recited in Claim 1. Claim 17 depends from Claim 10 and thus includes all of the elements recited in Claim 10. It is once again respectfully pointed out that Mankey, Gioso, and Jorgensen do not suggest a viewing platform having, among other things, at least one channel formed in an upwardly facing surface, as recited in Claims 1 and 10, as amended. Dykstra fails to remedy the deficiencies in Mankey, Gioso, and Jorgensen because Dykstra similarly does not disclose a viewing platform having at least one channel formed in an upwardly facing surface. Thus the references together do not disclose each and every element recited in Claim 1 or 10. *A fortiori*, even in light of Dykstra et al., the cited references fail to disclose or suggest each and every element of Claims 8 and 17, under the present amendments.

As such, a *prima facie* case of obviousness does not exist with respect to Claims 8 and 17 based on Mankey, Gioso, Jorgensen, and Dykstra. Based on the above amendments and remarks, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

### CONCLUSION

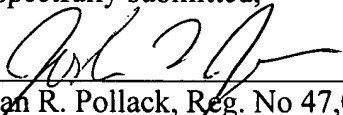
It is respectfully submitted that none of the prior art of record, alone or in combination, discloses or suggests Applicant's invention as presently claimed. Based upon the foregoing, favorable consideration of Claims 1-20 is respectfully requested.

Applicants believe that this Amendment After Final and the accompanying Remarks do not raise new issues for consideration or necessitate the undertaking of any additional search of the art by the Examiner, and thus may properly be entered into the record. As such, this Amendment After Final should therefore allow for immediate entry by the Examiner in preparation for Appeal by Applicant. Applicants also submit that entry of this Amendment After Final and the accompanying remarks would place the present application in better form for appeal, should the Examiner dispute the patentability of any of the pending claims. If it is believed that an interview would advance prosecution, the Examiner is invited to call Applicants' representative at the number below.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60056 (50035).

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Respectfully submitted,



Brian R. Pollack, Reg. No 47,001

Joshua L. Jones, Reg. No. 57,044

Attorney/Agent for Applicant

Intellectual Property Practice Group

EDWARDS ANGELL PALMER & DODGE, LLP

P.O. Box 55874

Boston, MA 02205

Tel: (203) 353-6870

Fax: (203) 975-7180

Customer No. 21, 874